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whole field. Probably the best portions of the volume are those regarded by the average reader as least historical in character—chapters on the ideals of the wage-earner, on recent pre-war tendencies, on the war and after. In view of the hesitancy of the regular historical student to attempt the interpretation of the recent past, it is fortunate, indeed, that men as capable as Mr. Carlton can be induced to turn from their usual fields to break the way for the historian.

ARTHUR C. COLE

*Collected legal papers.* By Oliver Wendell Holmes. (New York: Harcourt, Brace and Howe, 1920. 316 p. \$2.50)

Students of law and history should be grateful for this collection of Mr. Justice Holmes's miscellaneous writings in the field of law and legal history. The twenty-seven papers extend chronologically from the essay on "Early English equity," which appeared in 1885, to the brief paragraphs on "Natural law," printed thirty-three years later. The collection contains also the famous address on "The path of the law" delivered in 1897.

The papers fall into three general groups. First, there are several substantial articles, including those just mentioned, which deal with difficult problems of the law from the standpoint of legal history. Here, for instance, are papers on agency, executors, et cetera. In these is an undercurrent of protest against a blind adherence to legal rules which rest on bases now obsolete and voice a desire to expose the antiquities of the law to the test of practical utility. "It is revolting to have no better reason for a rule of law than that so it was laid down in the time of Henry IV. It is still more revolting if the grounds upon which it was laid down have vanished long since, and the rule simply persists from blind imitation of the past" (p. 187). Secondly, there appears a larger group of "occasional" papers, mostly speeches before law schools, bar associations, or other gatherings of lawyers. These deal primarily with the law as a profession and are replete with expressions of the high ideals which should actuate those who engage in it. One finds here the expected emphasis upon legal scholarship as the basis of any real success at the bar as well as the prerequisite for carrying on the reforms of which the law stands in need. Finally, there are a few biographical sketches, the most important of which is the essay upon Montesquieu which appeared as the introduction to a reprint of *Esprit des Lois* in 1900. Marshall and Maitland are touched upon in briefer fashion.

While the varying circumstances under which these papers originally appeared make them seem diversified and sometimes fragmentary, they nevertheless reflect a well-defined and unified philosophy in respect to the law in its relation to history and to life. They preach the necessity for

and themselves exemplify the use of the scientific method in order to bring the law into harmony with the facts of present-day human experience.

ROBERT EUGENE CUSHMAN

*Pioneers of the old southwest.* A chronicle of the dark and bloody ground. By Constance L. Skinner. [The chronicles of America. Edited by Allen Johnson under the supervision of the committee on publications of the Yale university council] (New Haven: Yale university press, 1919. 304 p. \$3.50)

It is the widely heralded purpose of the projectors of the *Chronicles of America* series to issue only volumes marked by vivid style and exhibiting narrative skill to a high degree. If this volume be a criterion, a true sample of the other volumes, then the prospectus has fulfilled its promise (how few ever do!). For this volume is the work of a talented and graceful writer — deft, imaginative, appealing. She has the pictorializing fancy — which is not quite the same thing as dramatic skill — in unusual measure; and this volume is a bright procession of pretty films — not the narrative of a series of dramatic historic situations. With an eye for character, she has enlivened her pages with many a human touch; and we are never conscious that history is other than a human complex of interwoven events.

Equal commendation cannot be bestowed upon the historical value of the book, over against its literary charm. From the strictly historical standpoint, let us say, this is one of those books which need not have been written. There is a chapter on "Folkways" which almost justifies the book, and the account of Priler, his bizarre personality and singular career, is executed with unusual literary dexterity. The impression left upon the historical critic by the remainder of the book is that of secondary inspiration and derivative quality. The author does not venture outside the customary avenues of approach to the subject, and there is no evidence that she has had access to any primary sources whatever. One feels that, properly equipped with adequate secondary authorities, she could doubtless write an equally good book on almost any subject. The book is singularly free of errors; the author has followed the soundest of secondary authorities. But it is also singularly free of interpretation — of the sort of interpretation which makes the reader feel that the writer has seen the whole era anew and, as it were, left upon those events somewhat of the stamp of his own personality.

In fine, this is not the work of a historian — it is the work rather of a novelist, who should make a success in writing scenarios for the "movies." All the more praise, then, to Mr. Glasgow for his insight, his successful evocation in this particular case of history written like a novel. This